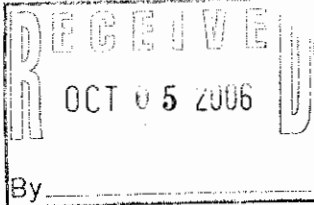


PROB 12C
Rev 2/03**United States District Court**

for

Southern District of Ohio**Petition for Warrant or Summons for Offender Under Supervision**Name of Offender: **Donald A Sherman**Case Number: **1:02CR00079-02**Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott
United States District Judge**Date of Original Sentence: **March 12, 2003**Original Offense: **Conspiracy to Distribute Oxycontin**Original Sentence: **36 month(s) probation**Type of Supervision: **Probation**Date Supervision Commenced: **March 13, 2003**Assistant U.S. Attorney: **Tim Oakley**Defense Attorney: **Richard Smith-Monahan**

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1 No New Law Violation	On September 20, 2006, Mr. Sherman appeared in Lawrence County Court of Common Pleas in Ironton, Ohio, and was found guilty of three counts Trafficking in Drugs, fourth degree felonies, and was sentenced to 17 months imprisonment. He was also convicted of two counts Aggravated Trafficking in Drugs, third degree felonies, and was sentenced to four years imprisonment, all to run concurrently. The Court also ordered that this sentence run concurrent to any violation of his federal probation. He was given credit for 69 days served.
#2 No Drug Use	Since the last court hearing on May 26, 2006, Mr. Sherman tested positive for hydrocodone on May 26, 2006 after he was released from court. In addition, on May 30, and June 8, 2006, he tested positive for amphetamines. He failed to submit to urinalysis on June 20 and July 6, 2006.

U.S. Probation Officer Action:

As the Court is aware, on May 26, 2006, Mr. Sherman appeared before the Court on violation proceedings. At that time, Mr. Sherman admitted he was addicted to pain medication due to severe leg and back pain over the past several years. The Court continued Mr. Sherman on probation for one year until June 1, 2007. He was also ordered by the Court not to use any medication. While in Court, Mr. Sherman admitted he had used morphine on May 17, 2006 and had a prescription for hydrocodone. When this officer met with Mr. Sherman after court, he advised this officer that he had not used any other medication. He submitted a urine sample

which tested positive for hydrocodone. On May 30 and June 8, 2006, Mr. Sherman tested positive for amphetamines. He also failed to submit to urinalysis on June 20 and July 6, 2006. He had no prescription that would have tested positive for amphetamines.

On July 6, 2006 at approximately 9:00 p.m., Mr. Sherman was arrested by the Lawrence County Sheriff's Office on a secret Indictment charging him with three counts of trafficking in drugs (to wit: Buprenorphine and Valium) and two counts of aggravated trafficking in drugs (to wit: Morphine). On September 20, 2006, Mr. Sherman was found guilty of trafficking in drugs (all 3 counts) and was sentenced to 17 months imprisonment. He was also convicted on both counts aggravated trafficking and was sentenced to 4 year imprisonment. These cases are to run concurrent.

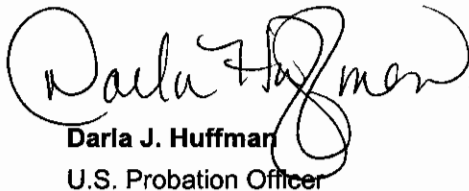
Based on the above information, it is respectfully recommended that a warrant be issued for Mr. Sherman and that violations proceedings be initiated for revocation of his probation.

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

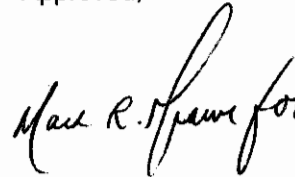
I declare under penalty of perjury that
the foregoing is true and correct.

Executed on October 2, 2006


Darla J. Huffman
 U.S. Probation Officer

by

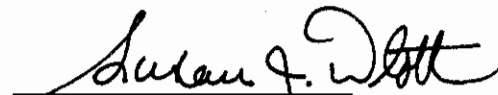
Approved,



John Cole
 Supervising U.S. Probation Officer
 Date: **October 2, 2006**

THE COURT ORDERS:

- ☒ No Action
☒ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
☐ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


 Signature of Judicial Officer
Oct 6, 2006
 Date